

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 3138
of 2026**

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AJAYBHAI DAHYABHAI PATEL (ARVINDBHAI DAHYABHAI PATEL)
Versus
STATE OF GUJARAT

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Appearance:

MR NK MAJMUDAR(430) for the Applicant(s) No. 1
MR. ROHAN N MAJMUDAR(14000) for the Applicant(s) No. 1
MR ATIT D THAKORE(5290) for the Respondent(s) No. 1
MR. ANIL P JAGANI(6729) for the Respondent(s) No. 1
MR. YUVRAJ BRAHMBHATT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE P. M. RAVAL**Date : 23/03/2026****ORAL ORDER**

1. The applicant before this Court is seeking bail in anticipation of his arrest pursuant to FIR being C.R. No.11199010250937 of 2025, dated 11.09.2025, registered before City A-Division Bharuch Police Station, District: Bharuch, for the alleged offence punishable under Sections 316(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned advocate for the applicant would submit that the main accused Hardikbhai D. Patel has been granted regular bail after charge-sheet vide order dated 13.03.2026 passed in Criminal Miscellaneous Application No.3552 of 2026, the present applicant is also having similar role be considered for the purpose of enlarging him on anticipatory bail. Learned advocate would further submit that

since the charge-sheet is filed, no purpose would be served if the applicant is not granted anticipatory bail, and thus, there is no need of custodial interrogation. He would further argue that the applicant is residing at Patan, however, the allegation is that he had visited Bharuch, however, the applicant has no connection with the alleged offence. That, the applicant has not received any monetary benefit from the alleged incident and has no connection whatsoever with the complainant or Aangadiya firm namely SG Enterprises in Bharuch. Learned advocate for the applicant would further submit that in the similar situated role with accused No.4 Nitinbhai Patel has granted anticipatory bail by this Court vide order dated 03.12.2025 passed in Criminal Miscellaneous Application No.22765 of 2025, and thus, on the ground of parity also the present applicant be granted anticipatory bail. He would further submit that the FIR came to be registered after the delay of almost three months without any reasonable ground mentioned in the FIR. Learned advocate would further submit that the applicant is ready and willing to deposit Rs.15,00,000/- to show his bonafide. He would further argue that there is no entrustment to the present applicant and he has no dominion over the property and therefore the question of dishonestly converting the said property and thereby misappropriating the amount and in absence of said ingredients no offence is made out. That the present FIR is nothing but a pressure tactic and the same has been preferred with a view to extort money and pressurize the applicant to succumb to the terms and conditions of the complainant,

more particularly, the entire transaction is of civil nature and having not preferred any civil remedy and has availed by the registration of present FIR only with a view to exert pressure upon the applicant. Thus, it is argued that the applicant be enlarged on anticipatory bail.

3. Per contra, learned Additional Public Prosecutor Mr. Yuvraj Brahmhatt would submit that the applicant was in constant touch with main accused Hardikbhai and Ajaybhai on 25th and 26th of June, 2025, which would be evident from the call detail record. It would further argued that accused No.1 Hardikbhai has been granted bail after filing of the charge-sheet, however, the present applicant is stands on different footing, that Nitinbhai as well as the present applicant is in constant touch with Hardikbhai and Ajaybhai, and thus they are hand-in-glove in perpetuating the crime.

4. Learned advocate Mr. Atit D. Thakor appearing for the original complainant vehemently opposes the present application and supports the contention raised by the learned Additional Public Prosecution and thus, argue to reject the present application.

5. Considering the fact and circumstances of the case and considering the nature of allegation and also considering the papers of charge-sheet, the presence of present applicant in CCTV footage clearly surfaces on record, hence, custodial interrogation would be required, more particularly, when the amount is yet to be recovered.

Be that as it may, the accused No.1 – Hardikbhai D. Patel has been granted regular bail whereas accused Nitinbhai D. Patel has been granted anticipatory bail, however, the case of the present applicant stands on different footing, who is seen carrying away the bag alongwith Hardikbhai, who has been granted regular bail after filing of the charge-sheet. It is also evidence from the paper of the charge-sheet that the present applicant is shown as an absconder.

6. As far as the applicant has shown his willingness to deposit Rs.15,00,000/- is concerned, this Court is not impressed with the said submission.

7. In view of the same, this Court is not inclined to grant an anticipatory bail to the present applicant. The present application stands rejected, accordingly.

NITIN MAKWANA

(P. M. RAVAL, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NITIN INDRAVADAN MAKWANA(HCW0110), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 23/03/2026 18:26:50